

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT WALLACE REEVES,
ELISEABITH SPHUAINI, and
SHELTON REEVES,

Plaintiffs,

v.

No. 1:22-cv-00369-KWR-KK

POPE AGUSTINE OF ROME,
MEATHODIST CATHERAL OF ASTER DAM, and
BABIST CUTHERAL OF NOTETER DOM,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiffs' Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, Doc. 1, filed May 12, 2022 ("Complaint").

Plaintiff filed his Complaint using the form "Civil Rights Complaint Pursuant to 42 U.S.C. § 1983." The Complaint lists three Plaintiffs, Robert Reeves, Eliseabith Sphuaini and Shelton Reeves, but the allegations in the Complaint suggest Robert Reeves is the only proper Plaintiff in this case. *See* Complaint at 1 ("They are one shided in my complimet holly war"); at 2 ("I have been in a holly war ... I was born ... I was awarded..."). The Complaint is not signed by Plaintiffs Sphuaini and Shelton Reeves. *See* Complaint at 5; see also Fed. R. Civ. P. 11(a) (every paper must be signed by a party personally if the party is unrepresented). Plaintiff Robert Reeves is not an attorney authorized to practice in this Court and cannot represent Plaintiffs Sphuaini and Shelton Reeves. *See Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) ("A litigant may bring his own claims to federal court without counsel, but not the claims of others").

The Complaint names three Defendants, "Pope Augustine of Rome," the "Methodist Cutheral of Aster Dam" and the "Babist Cutheral of Noteter Dom." Complaint at 1. The Complaint may also be asserting claims against other persons. *See* Complaint at 3 ("Wallace is Lusifer only the most evillest being on Earth. James Gason Reeves is Satan the second most evillest being on Earth. Alice J. Willson is Mary evil 3rd most evillest person on Earth").

Plaintiff Reeves alleges:

I have been in a Compilement Holly War for 28 years. Pope John Paul the III was my first Pope at the start of my holly war. Even then it seemed to be one sided with all the Churches on Earth. I was born on June 15, 1972 and on that date and time I was awarded the Lord Jessus (Jesus) Dinesty of 4 differnt nation ... James Carsen Reeves even has said over the phone to Scott Hamton "I am going to kill Robert's only [illegible] daughter through emaculent conception forever and then rape her dead body. So has Wallace and Joe Spaketer of Tucson, AZ wich is a dug dealler hariun, meth, acid, cocane, fentanol ... also Donald Trump and Brock O'Bama have threatred me and my daughter and the FBI, CIA [and other people] ... [Plaintiff seeks] a place where I am safe with my daughter.

[sic] Complaint at 2-5. Much of the Complaint is incoherent. For example, where the form "Civil Rights Complaint Pursuant to 42 U.S.C. § 1983" prompts Plaintiff to list the statutes that provide jurisdiction for this case, Plaintiff wrote: "Wallace E. Reeves, James Carson Reeves, The Reeves Family in relastoin to Wallace E. Reeves and the Ambrose Family in relation to Alice J. Wilson."

[sic] Complaint at 2. Where the form Complaint prompts Plaintiff to allege which of his constitutional rights have been violated and the facts that form the basis for his allegations, Plaintiff wrote: "In a holly war is only suposed to last 7 years or until a belif of one compeliment has been served. Crist compells you." Complaint at 3. Where the form Complaint instructs Plaintiff to describe how he sought relief from administrative officials, Plaintiff wrote:

also Donald Trump and Brock O'Bama have threatred me and my daughter and the FBI, CIA, Alicescia Necal Helms, Sherrie Nelms, Crysty Nelms, Amy Lelms, Woopie Golburg, Atlatus Mereset, Sherral Crow, ThreayearWood, Whyoni Ryder, Leon Walemerek, Reabecer Lynniderifer? Stheanie?, Jessica ? Jessica Gonzolaze was a [illegible], Almagordo, and Nickole Reeves.

[sic] Complaint at 5. On the last page of the Complaint, Plaintiff ended his "P.S." with: "Sincerly, King & Emipier Robert Wallace Reeves the Lord Jessos (Jesus) Crist Zuse, God-the AntiCrist. The AntiCrist title is my shadow you imbulsules. [hand-drawn smiley face]." Complaint at 6.

The Court dismisses this case for failure to state a claim upon which relief can be granted pursuant to 42 U.S.C. § 1983. There are no factual allegations that any of the Defendants are state actors and deprived Plaintiff of a right secured by federal law. *See* 42 U.S.C. § 1983 ("Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law").

Plaintiff is proceeding *in forma pauperis*. The statute governing proceedings *in forma pauperis* states "the court shall dismiss the case at any time if the court determines that ... the action ... fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2); *see also Webb v. Caldwell*, 640 Fed.Appx. 800, 802 (10th Cir. 2016) ("We have held that a pro se complaint filed under a grant of *ifp* can be dismissed under § 1915(e)(2)(B)(ii) for failure to state a claim ... only where it is obvious that the plaintiff cannot prevail on the facts he has alleged and it would be futile to give him an opportunity to amend").

The Court dismisses this case because Plaintiff cannot prevail on the facts alleged in the Complaint because none of the factual allegations suggest that any of the Defendants violated Plaintiff's federal rights. *See Mandy R. ex rel. Mr. and Mrs. R. v. Owens*, 464 F.3d 1139, 1146-47 (10th Cir. 2006) ("To seek redress through § 1983, a plaintiff must assert a violation of a federal right, not merely a violation of federal law") (citing *Blessing v. Freestone*, 520 U.S. 329, 340

(1997)). Plaintiff's incoherent allegations and his failure to comply with simple instructions on the form Complaint indicate that it would be futile to give him an opportunity to amend.

IT IS ORDERED that this case is **DISMISSED WITHOUT PREJUDICE**.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE